



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Roger Allan
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-3682
Fax: (901) 544-0211
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POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2004-857-RSA

PUBLIC NOTICE DATE:
March 27, 2006

EXPIRATION DATE:
April 26, 2006

Public Notice Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT: John L. Hewitt
Tennessee Department of Transportation
Environmental Planning and Permits Division
Suite 900, J.K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243
(615) 253-2477

LOCATION: The project is located along State Route 21 at the Reelfoot Lake spillway in Lake and Obion Counties, Tennessee. The project area is located at approximate latitude 36.3526° and longitude -89.4100° on the Ridgely, TN, USGS topographic quadrangle and is shown on the attached location map (attachment 1).

PURPOSE: The applicant's stated purpose of the proposed project is to replace a structurally deficient bridge, spillway, and outlet channel.

DESCRIPTION OF WORK: The proposed project involves the widening of a portion of State Route 21, closure of the existing Reelfoot Lake spillway, construction of a new spillway and channel, and construction of a new bridge across the spillway channel. The proposed construction sequence would be as follows: (1) install erosion control measures, including turbidity barrier/screen; (2) construct temporary run-around for bridge construction; (3) construct haul road for channel work; (4) construct bridge, spillway, and channel (south of spillway); (5) excavate channel on lake-side of bridge (haul road would be removed as channel is constructed); (6) remove run-around road and finish excavation in front of spillway; (7) excavate the "plug" under the new bridge; (8) fill the area in front of the existing spillway; and (9) remove the turbidity barrier/screen.

This project would entail impacts to waters of the United States at 7 sites. A general overview of the project is shown on attachment 3. Specific details about impact sites are discussed below.

Site 1 is located between SR-21 (existing) and Reelfoot Lake and would consist of the inlet channel to the spillway. Approximately 2.96 acres of wetlands would be permanently impacted and approximately 1.96 acres of wetlands would be temporarily impacted at this location. Vegetation within these wetlands includes bald cypress (*Taxodium distichum*), silver maple (*Acer saccharinum*), broad-leaf cattail (*Typha latifolia*) and duckweed (*Lemna* sp.). Additionally, a temporary haul road (riprap placed on timber mats) would be constructed to allow excavation of the inlet channel; this channel will be approximately 140 feet wide and will extend approximately 700 feet north of the existing road right-of-way. Although certain details regarding construction would be left to the contractor's discretion, the contractor would be required to construct a timber mat with crushed stone on top of the mat to be used as a haul road or construction pad. Excavating equipment would operate from the construction pad; excavated material would be placed into trucks for removal from the site. There would be requirements for allowing trucks to drain before entering the highway to ensure that public roads are not compromised as a result of the project. No dewatering or on-site storage of excavated material is anticipated. Additional details of this portion of the project are shown on attachments 4, 10, and 11; 10 and 11 show typical cross-sections and profiles of portions of the proposed spillway channel.

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Site 2 is located immediately south of SR-21 and includes the new spillway as well as portions of the outlet channel. Approximately 12.18 acres of wetlands would be permanently impacted and approximately 5.67 acres of wetlands would be temporarily impacted at this location. Vegetation within this area includes sugarberry (*Celtis laevigata*), red maple (*Acer rubrum*), silver maple, sycamore (*Platanus occidentalis*), bald cypress, sweetgum (*Liquidambar styraciflua*), poison ivy (*Toxicodendron radicans*) and blackberry (*Rubus argutus*). The outlet channel would be approximately 140 feet wide (bottom width) through this area; as it moves south (downstream), the channel would taper to a bottom width of approximately 30 feet. Details of this portion of the project are shown on attachments 5 and 11.

Site 3 is located along SR-21 and would entail the construction of a 3-span concrete girder bridge across the new spillway channel. Details of this portion of the project are shown on attachment 6.

Site 4 is located immediately adjacent to the existing spillway. Approximately 0.03 acre of wetland would be temporarily impacted at this site. Additionally, an approximately 400 ft long X 44 ft wide portion of the existing inlet channel to the spillway would be closed by constructing a coffer dam and then filling in front of the existing spillway with an impervious material. Details of this portion of the project are shown on attachments 7 and 8. Please note that attachment 8 shows the redirection of a stream channel that currently enters the inlet channel upstream of the spillway; this work is part of a separate project that is not dependent on the issuance of a permit to construct a new spillway. This detail was added to the public notice for this project to show that the proposed fill in front of the existing spillway would not block the flow of the existing stream channel.

Site 5 is located immediately south of the wetlands at site 2 and would entail the loss of up to 1,560 linear feet of an unnamed tributary of Running Reelfoot Bayou. The northern bank of this channel borders the wetlands at site 2 and the southern bank is the edge of an agricultural field. This channel, which is approximately 4-6 feet wide at the bottom and is incised approximately 3 feet, would be transected and drained by the proposed outlet channel.

Site 6 is located south of Sites 2 and 5 and would entail the loss of approximately 2,536 linear feet of an unnamed water course. This excavated channel is approximately 2-3 feet deep, approximately 3-4 feet wide at the bottom, and approximately 3,721 feet in length. It runs through an existing agricultural field; no woody vegetation is present along this channel. The northern portion of this channel would essentially be replaced by the proposed outlet channel; however, the southern portion of this channel (approximately 1,185 feet) should not be impacted.

Site 7 is located at the intersection of the proposed and existing outlet channels. Approximately 215 linear feet of geotextile fabric and riprap will be installed at the tie-in. This area is shown on attachment 3.

Mitigation

Overall, approximately 15.14 acres of wetlands would be permanently impacted by the proposed project and approximately 7.66 acres of wetlands would be temporarily impacted during the construction process. Additionally, approximately 4,096 linear feet of other water courses and an approximately 400-foot section of the existing spillway inlet channel would be permanently impacted by the project.

The applicant proposes to mitigate permanent wetland impacts by restoring wetlands on or near the project area. At this point, two prospective sites have been located; these areas are shown on attachment 2. The first site is located adjacent to the proposed spillway outlet channel. The second site is located northwest of the Reelfoot Lake. No specific information regarding the proposed area of the mitigation sites or the proposed method of hydrologic restoration on these sites is available at this point. However, in addition to any earthwork (e.g., filling of drainage ditches), native bottomland hardwood tree seedlings would be planted at a density of approximately 450 stems per acre. Species planted would likely include willow oak (*Quercus phellos*), overcup oak (*Q. lyrata*), pin oak (*Q. palustris*), swamp chestnut oak (*Q. michauxii*) and bald cypress (*Taxodium distichum*).

Should on-site mitigation not be practicable, the applicant has proposed to debit 30.28 acres of credits (a 2:1 ratio) from the Obion County Wetland Mitigation Bank.

The applicant has proposed to mitigate temporary impacts to wetlands by restoring these areas to their original contours and planting native bottomland hardwood trees. Trees would be planted on ten-foot centers and would include the following species: bald cypress (seedlings and small saplings), willow oak, overcup oak, pin oak, and sycamore.

Impacts to other waters would be mitigated by the construction of the new outlet channel (approximately 5,650 linear feet) and the restoration of another channel west of the proposed outlet channel (south of SR-21). This channel is currently approximately 3,545 linear feet and is a straight ditch; following restoration, it would be a meandering channel that is approximately 4,045 feet in length (this impact would likely be covered under Nationwide Permit 27). Native bottomland hardwood tree seedlings would be planted along both banks of the new channel; species to be planted would include green ash, sycamore, sweetgum, silver maple, and overcup oak.

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Operation of the New Spillway

Operation of the water levels at the current spillway at Reelfoot Lake is administered by the United States Fish & Wildlife Service (USFWS) under the terms of a lease agreement with the State of Tennessee. Currently, the lake is operated under an Interim Water Management Plan that is described in an Environmental Impact Statement that was completed in 1989. Following construction of the new spillway, water level management of the lake would continue to be administered by the USFWS under the aforementioned plan. According to the applicant, the proposed water management plan represents no change from the current water management plan, as administered by the USFWS; details of this plan are shown in the following table.

Dates	Current Water Management Schedule	Proposed Water Management Schedule
November 15 – April 15	Fluctuate up to 283.2 mean sea level (msl)	Fluctuate up to 283.2 msl
April 16 – November 14	Fluctuate up to 282.7 msl	Fluctuate up to 282.7 msl

Water levels at the spillway would be controlled using six 20-foot wide gates. These gates are on rollers and can be manually or electronically controlled; lake levels would be lowered by raising one or more gates to allow water to flow through the spillway. Water would flow into a stilling basin to reduce velocity and minimize the risk of scouring below the spillway. Water would then flow through the new outlet channel and into Running Reelfoot Bayou.

Public Meeting

It is anticipated that a public meeting will be held to provide additional opportunity to comment on this project. Details of this meeting (including the time, date, and location) will be provided in a supplemental notice and will also be published in local newspapers.

The deposition of fill or dredged material into waters of the U.S., including adjacent wetlands, requires Corps authorization.

WATER QUALITY CERTIFICATION: The applicant should request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: The applicant has prepared a biological assessment (BA) concluding that the project would have no adverse affect for the bald eagle (*Haliaeetus leucocephalus*) or interior least tern (*Sterna antillarum athalassos*); the U.S. Fish and Wildlife Service (FWS) has concurred with this BA. However, this application is being coordinated with the FWS, and any additional comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Tennessee Historical Commission (THC) has determined that the existing Reelfoot Lake spillway and levee (the Hill-Talley bridge and spillway) are architectural resources eligible for listing on the National Register of Historic Places. However, THC has stated that the project as proposed would not adversely affect this resource. According to the applicant, the following measures were undertaken to minimize or avoid impacts to the existing spillway and levee: reduced right-of-way impacts for construction; proposed to retain the spillway in place for a period of at least 5-10 years; proposed to replace the existing spillway guardrails with a design to be reviewed by the TN State Historic Preservation Office; and proposed to record the Spillway System through 35-mm photography before construction, and to pursue measures to educate the public about the history of flood control at Reelfoot Lake. In addition to the information described above, the Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes, and the public in response to this public notice and we may conduct or require additional surveys of the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be

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expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Roger Allan at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3682. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

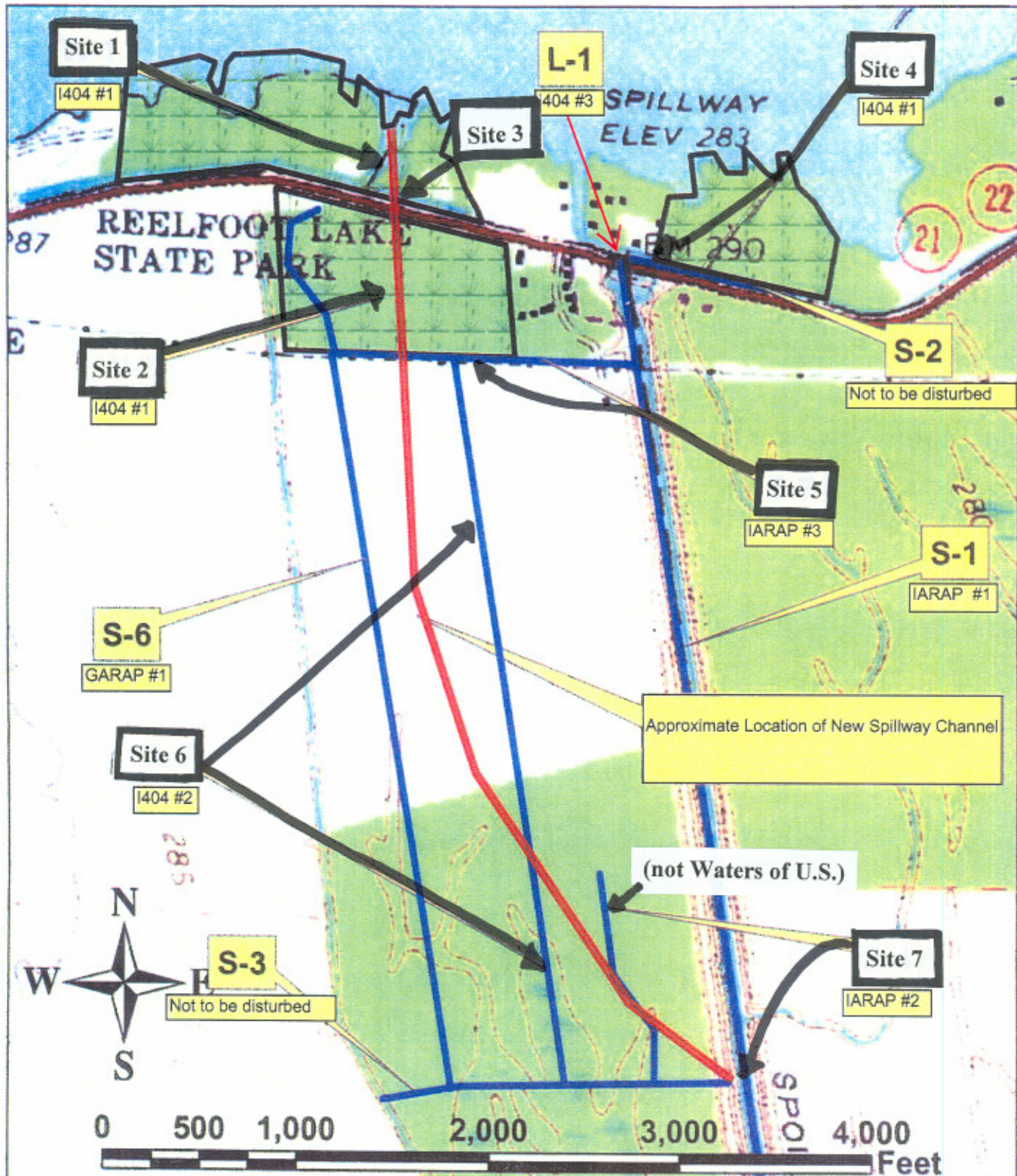
Comments should be received by April 26, 2006.



Larry D. Watson
Chief
Regulatory Branch

Attachments

AMENDED QUAD



Ridgely, TN Quadrangle 419-SW

Application By:

Tennessee Department of Transportation

PE # 48002-1216-94; 48002-1219-04

Fed # DEMO-21 (10)

PIN 102067.00; 104206.00

SR-21 Bridge & Approaches over Spillway at Log Mile 7.60;

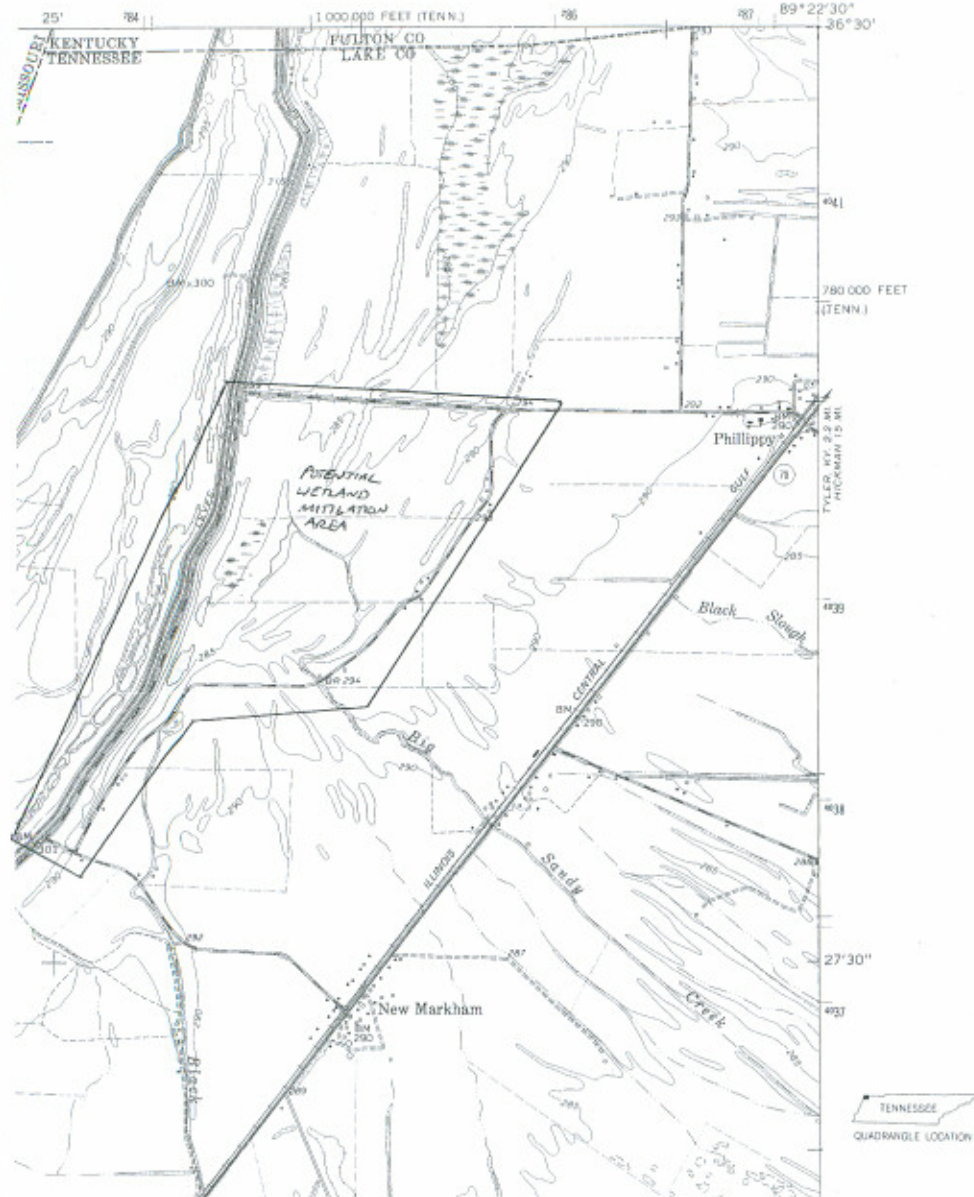
SR-21 Widening, Closure of Existing Spillway, and Completion of New Spillway Channel
Lake-Obion Counties

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**Attachment 1: Location Map
(Project Area)**

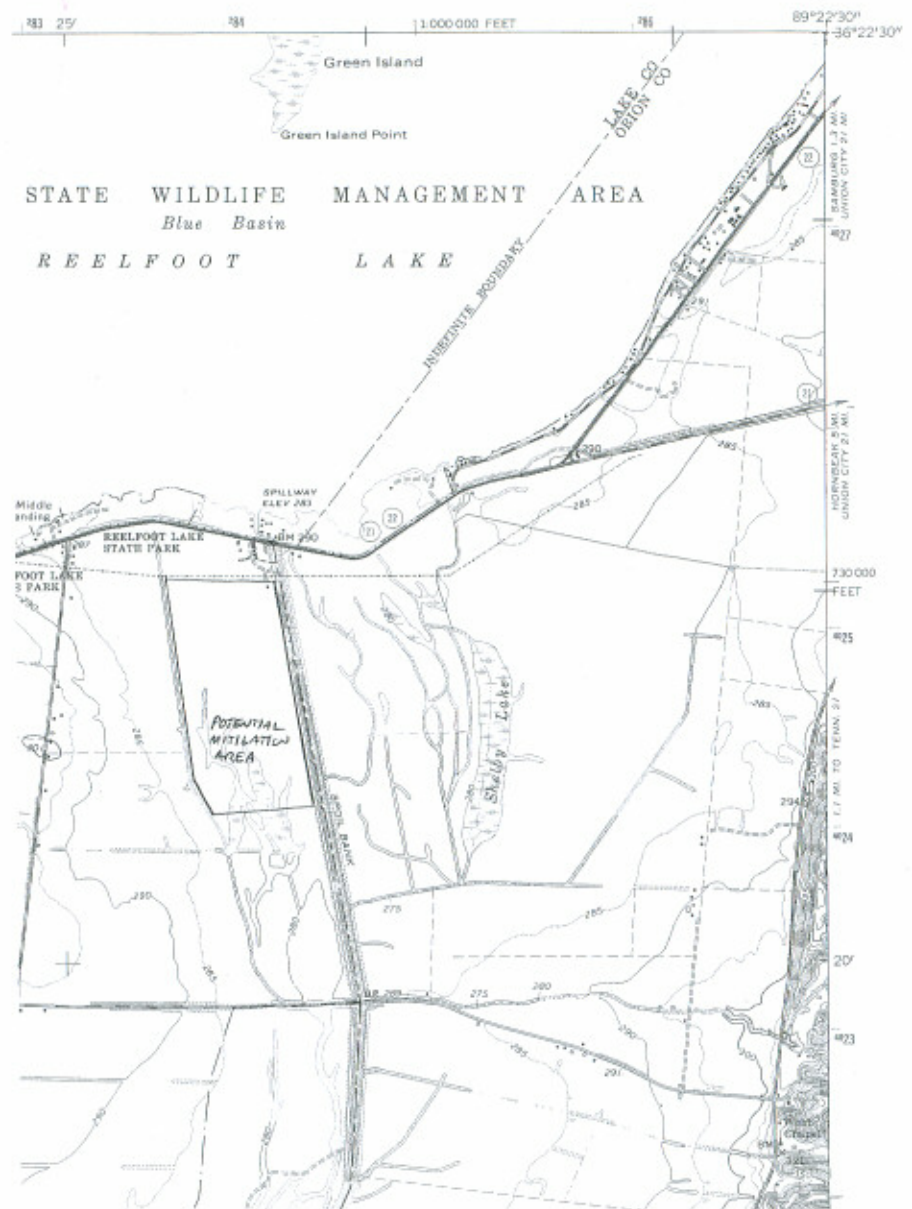
TIPTONVILLE QUADRANGLE
TENNESSEE-MISSOURI-KENTUCKY
7.5 MINUTE SERIES (TOPOGRAPHIC)

1:25,000 SCALE
(HORIZONTAL)



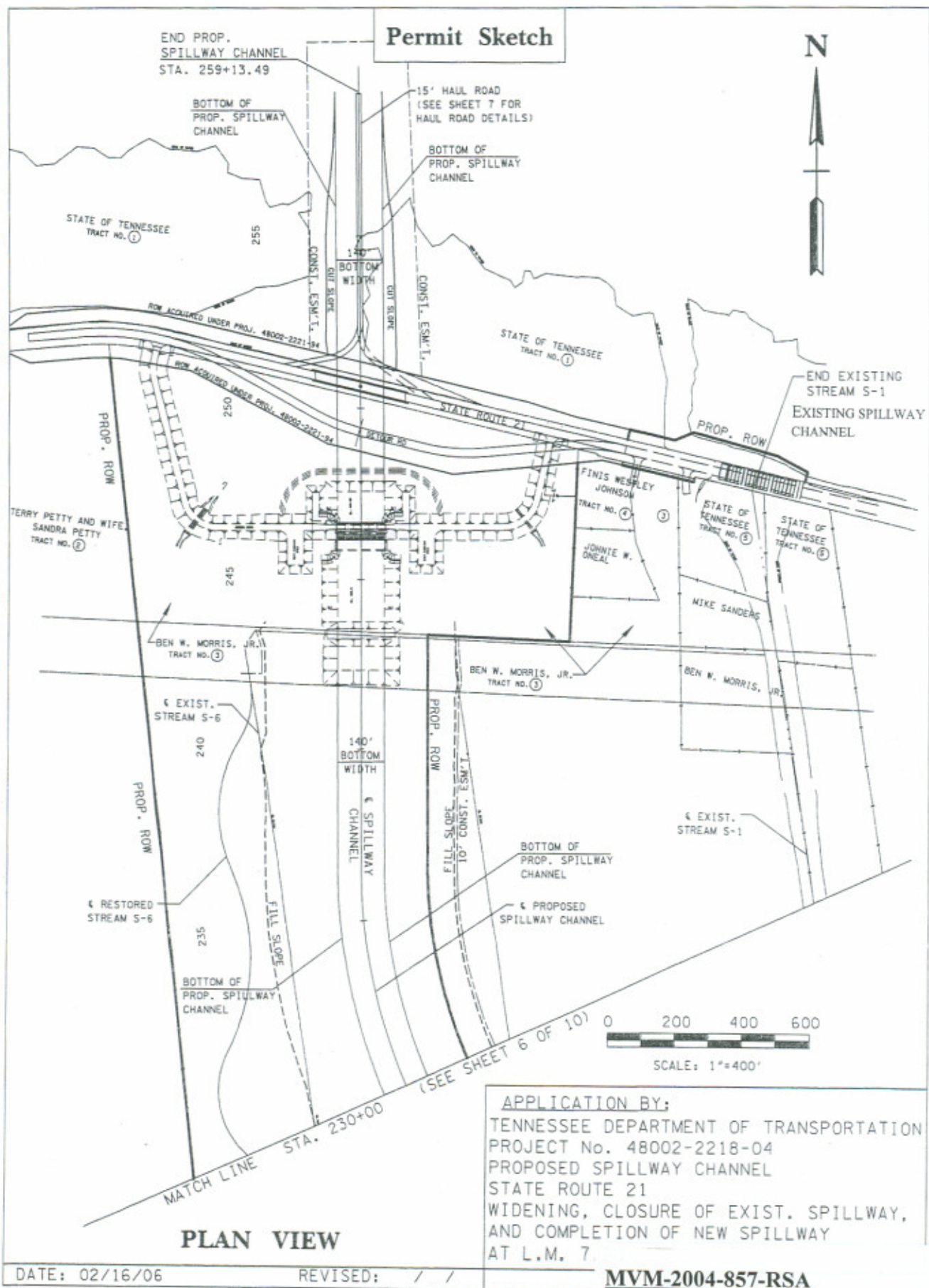
RIDGELY QUADRANGLE
TENNESSEE
7.5 MINUTE SERIES (TOPOGRAPHIC)

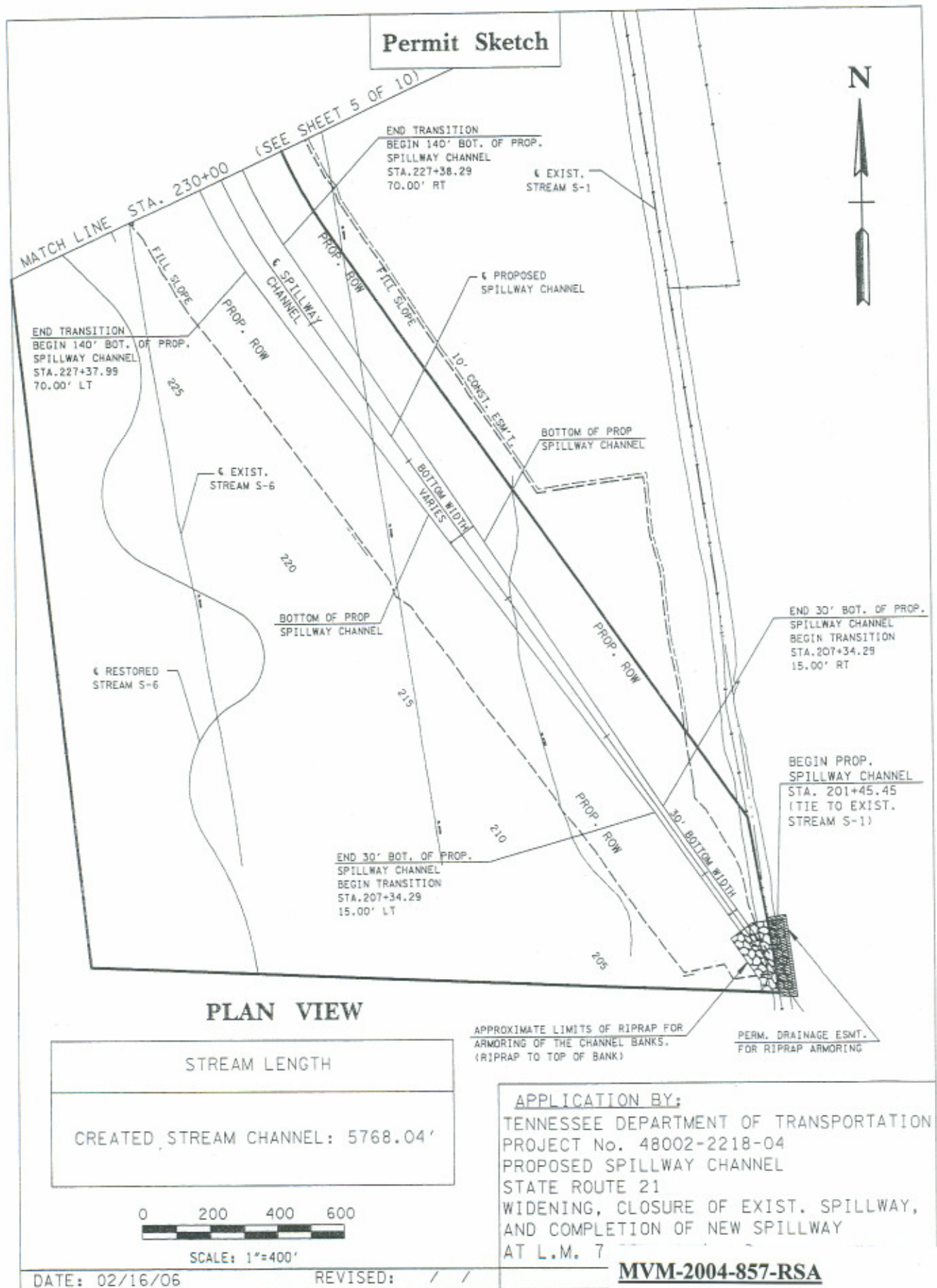
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(HORIZONTAL)



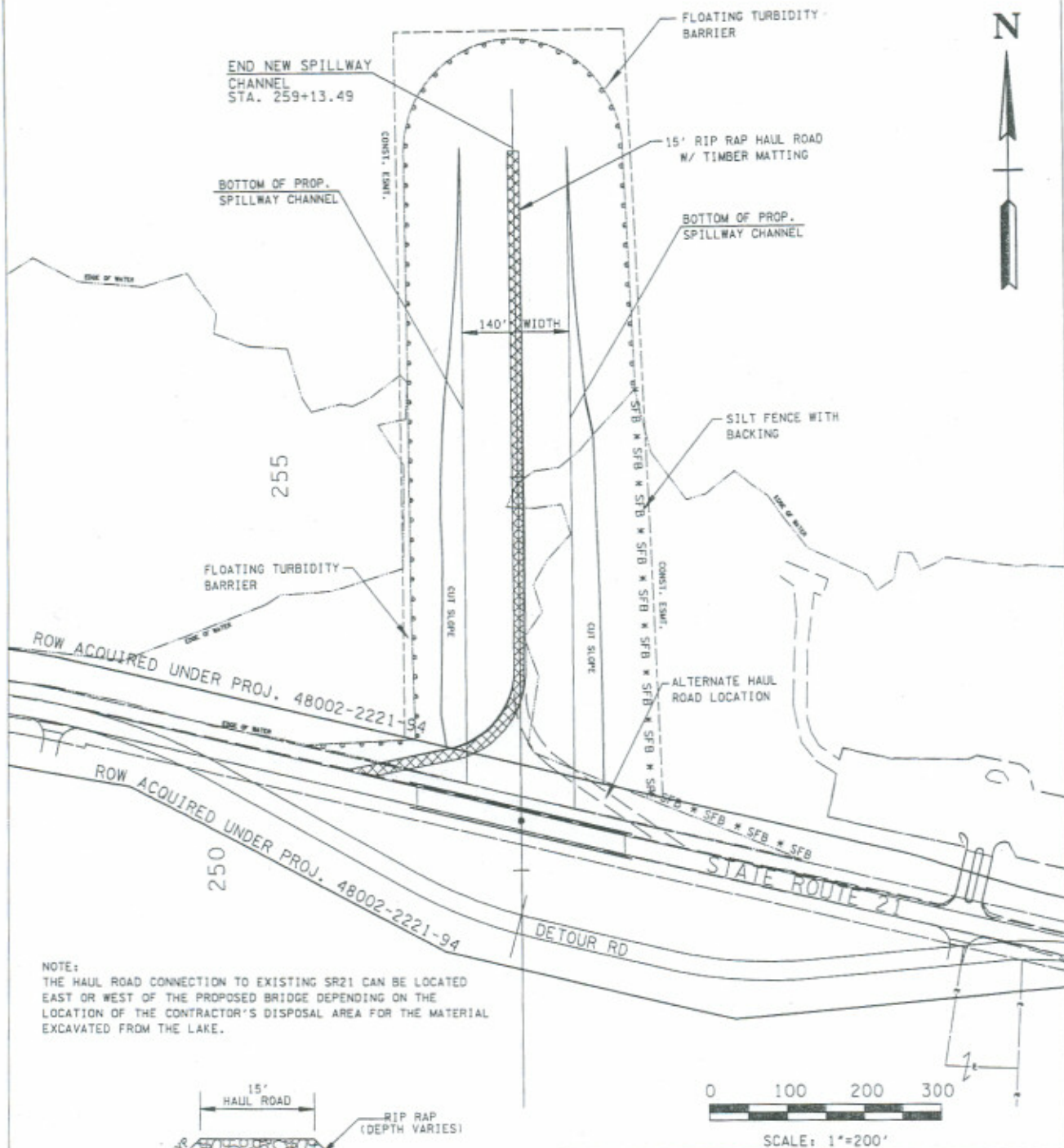
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**Attachment 2: Location Map
(Potential Mitigation Areas)**

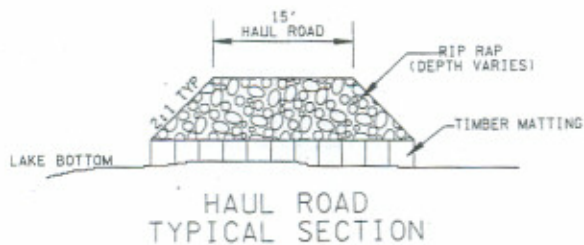




Permit Sketch



NOTE:
THE HAUL ROAD CONNECTION TO EXISTING SR21 CAN BE LOCATED EAST OR WEST OF THE PROPOSED BRIDGE DEPENDING ON THE LOCATION OF THE CONTRACTOR'S DISPOSAL AREA FOR THE MATERIAL EXCAVATED FROM THE LAKE.



PLAN VIEW

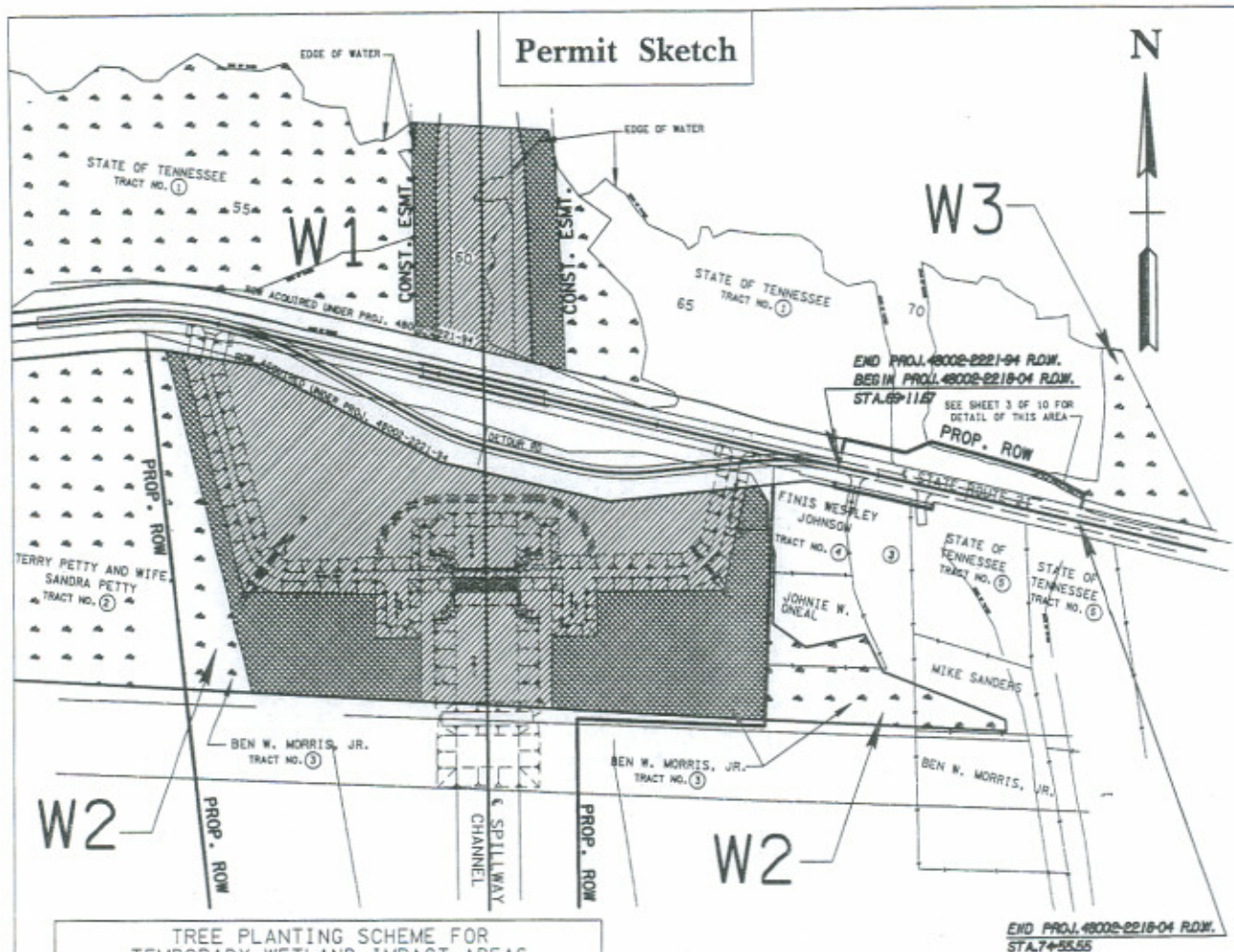
APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PROJECT No. 48002-2218-04
HAUL ROAD DETAILS
STATE ROUTE 21
WIDENING, CLOSURE OF EXIST. SPILLWAY,
AND COMPLETION OF NEW SPILLWAY
AT L.M. 7.6

MVM-2004-857-RSA

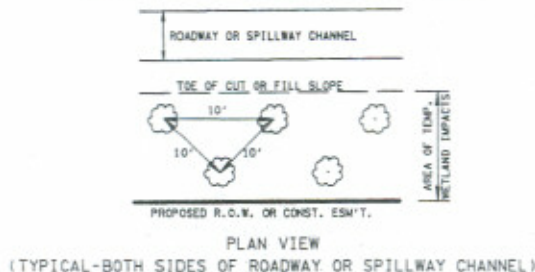
DATE: 02/16/06

REVISED: / /

**Attachment 4: Project Details
(Site 1)**



**TREE PLANTING SCHEME FOR
TEMPORARY WETLAND IMPACT AREAS**



TREE SPECIES TO PLANT (W1 ONLY)
USE THE FOLLOWING TREE SPECIFICATIONS:
SEEDLING (TAXODIUM DISTICHUM, 6-8' HT, B&B)

TREE SPECIES TO PLANT (W2 & W3)
USE THE FOLLOWING TREE SPECIFICATIONS:
SEEDLING (QUERCUS PHellos, 12-18" HT)
SEEDLING (QUERCUS LYRATA, 12-18" HT)
SEEDLING (QUERCUS PALUSTRIS, 12-18" HT)
SEEDLING (TAXODIUM DISTICHUM, 12-18" HT)
SEEDLING (PLATANUS OCCIDENTALIS, 12-18" HT)

NO SUBSTITUTIONS OF TREE SPECIES ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE TDD ENVIRONMENTAL DIVISION.

WETLAND IMPACTS LEGEND

- REMAINING WETLAND AREA
- AREA OF TEMPORARY IMPACT
- AREA OF PERMANENT IMPACT

WETLAND IMPACTS - W1	
AREA OF PERMANENT IMPACT =	2.26 AC.
AREA OF TEMPORARY IMPACT =	1.39 AC.

WETLAND IMPACTS - W2	
AREA OF PERMANENT IMPACT =	10.20 AC.
AREA OF TEMPORARY IMPACT =	5.44 AC.

WETLAND IMPACTS - W3	
AREA OF PERMANENT IMPACT =	0.00 AC.
AREA OF TEMPORARY IMPACT =	0.0317 AC.

0 200 400 600

SCALE: 1"=400'

I 404 #1

APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION
PROJECT No. 48002-2218-04
WETLAND IMPACT PERMIT
STATE ROUTE 21
WIDENING, CLOSURE OF EXIST. SPILLWAY,
AND COMPLETION OF NEW SPILLWAY
AT L.M. 7.6

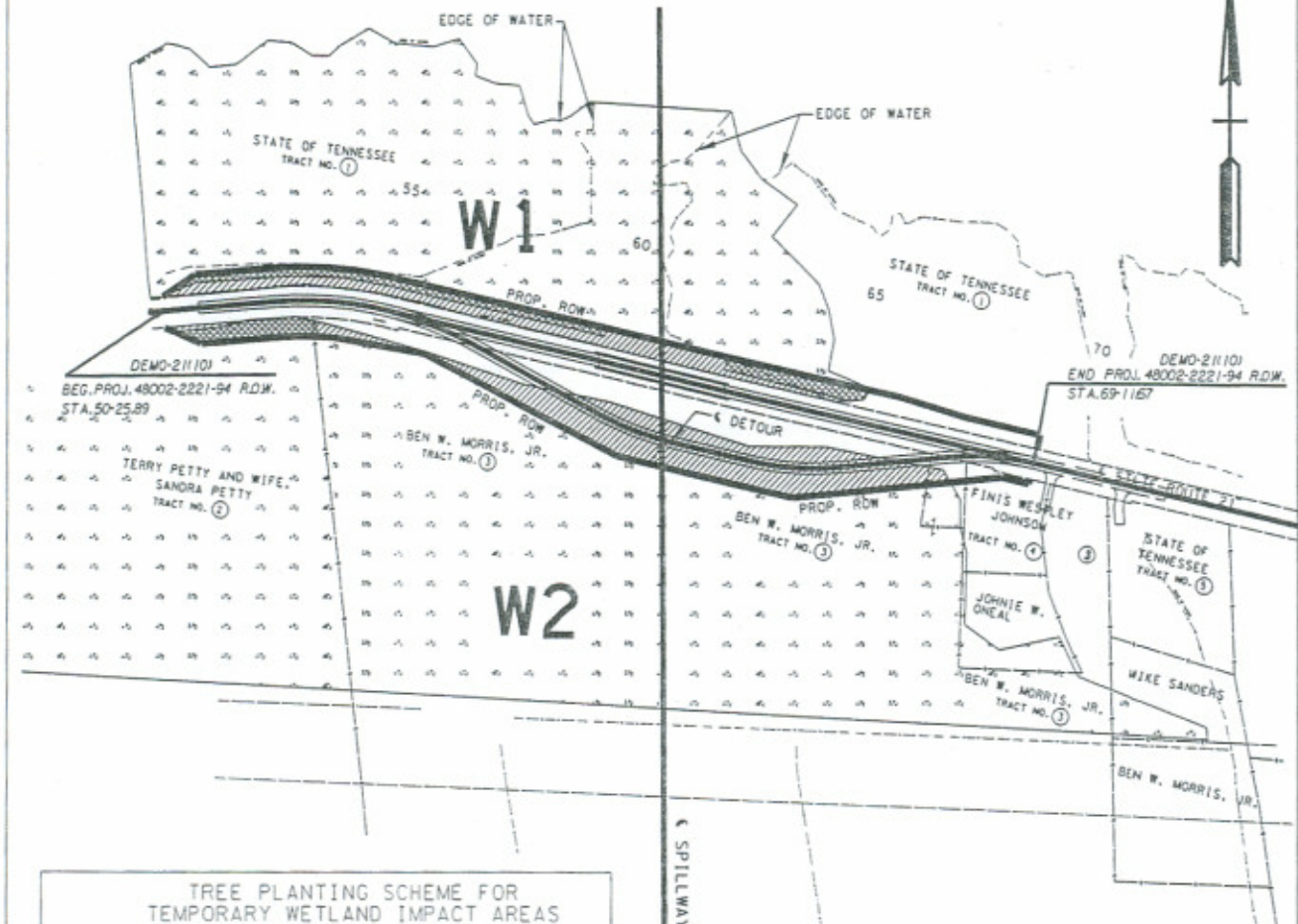
MVM-2004-857-RSA

DATE: 02/16/06

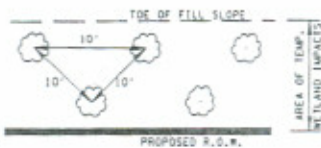
REVISED: / /

Permit Sketch

N



TREE PLANTING SCHEME FOR TEMPORARY WETLAND IMPACT AREAS



PLAN VIEW
(TYPICAL-BOTH SIDES OF ROADWAY)

TREE SPECIES TO PLANT USE THE FOLLOWING TREE SPECIFICATIONS:

- SEEDLING (QUERCUS PHellos, 12-18" HT)
- SEEDLING (QUERCUS LYRA, 12-18" HT)
- SEEDLING (QUERCUS PALUSTRIS, 12-18" HT)
- SEEDLING (TAXODIUM DISTICHUM, 12-18" HT)
- SEEDLING (PLATANUS OCCIDENTALIS, 12-18" HT)

NO SUBSTITUTIONS OF TREE SPECIES ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE TDDT ENVIRONMENTAL DIVISION.

WETLAND IMPACTS LEGEND

- REMAINING WETLAND AREA
- AREA OF TEMPORARY IMPACT
- AREA OF PERMANENT IMPACT

0 200 400 600

SCALE: 1"=400'

I404#1

WETLAND IMPACTS - W1

AREA OF PERMANENT IMPACT = 0.70 AC.
AREA OF TEMPORARY IMPACT = 0.57 AC.

WETLAND IMPACTS - W2

AREA OF PERMANENT IMPACT = 1.98 AC.
AREA OF TEMPORARY IMPACT = 0.23 AC.

APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION
PROJECT No. 48002-2221-94

WETLAND IMPACT PERMIT

STATE ROUTE 21
BRIDGES AND APPROACHES OVER SPILLWAY
AT L.M. 7.

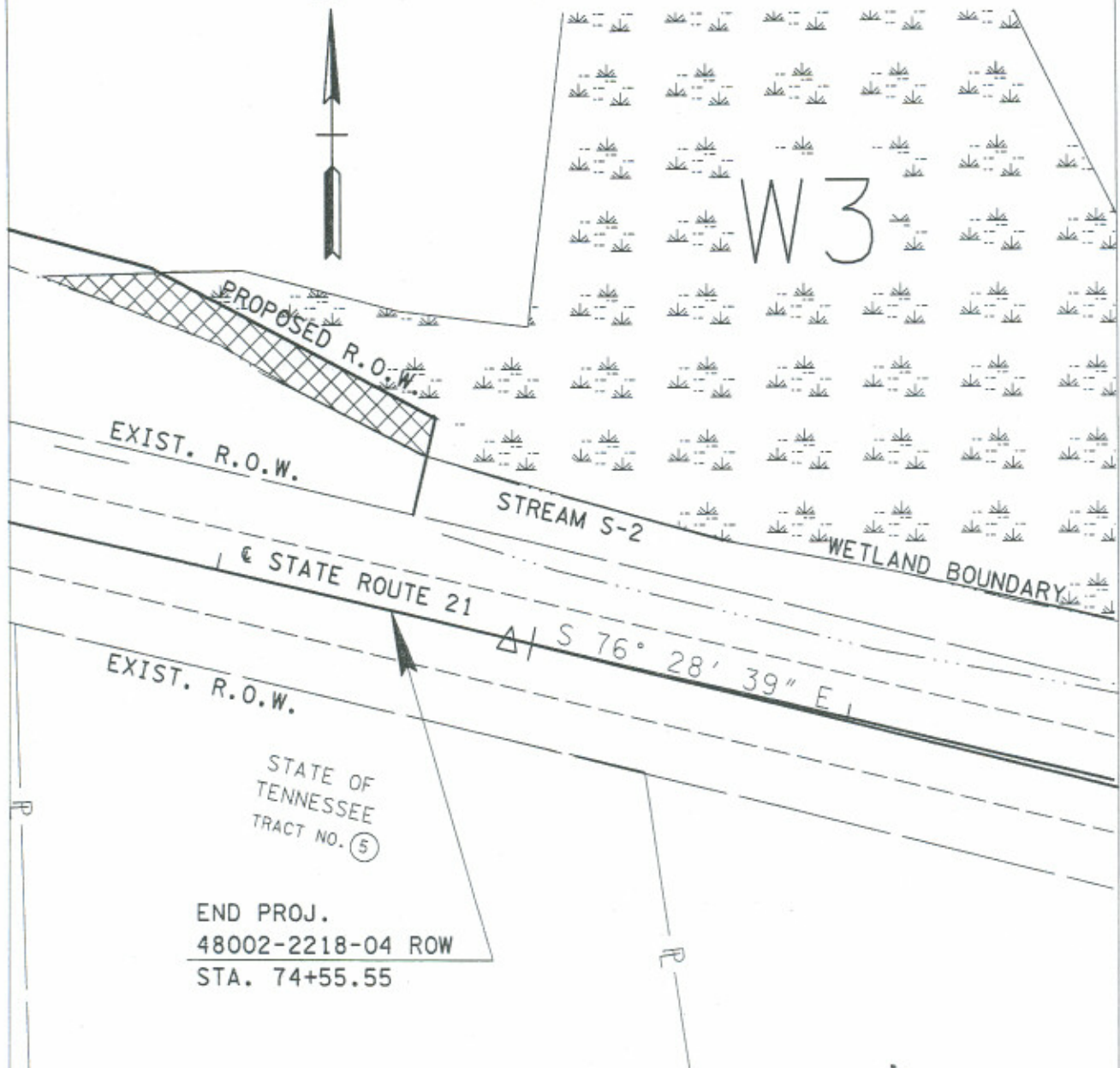
MVM-2004-857-RSA

DATE: 07/22/05

REVISED: / /

Attachment 6: Project Details
(Site 3)

Permit Sketch



STATE OF
TENNESSEE
TRACT NO. ⑤

END PROJ.
48002-2218-04 ROW
STA. 74+55.55

WETLAND IMPACTS LEGEND



REMAINING WETLAND AREA



AREA OF TEMPORARY IMPACT



AREA OF PERMANENT IMPACT

I404 #1



SCALE: 1"=50'

APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION
PROJECT No. 48002-2218-04
WETLAND IMPACT PERMIT
STATE ROUTE 21
WIDENING, CLOSURE OF EXIST. SPILLWAY,
AND COMPLETION OF NEW SPILLWAY
AT L.M. 7.60

MVM-2004-857-RSA

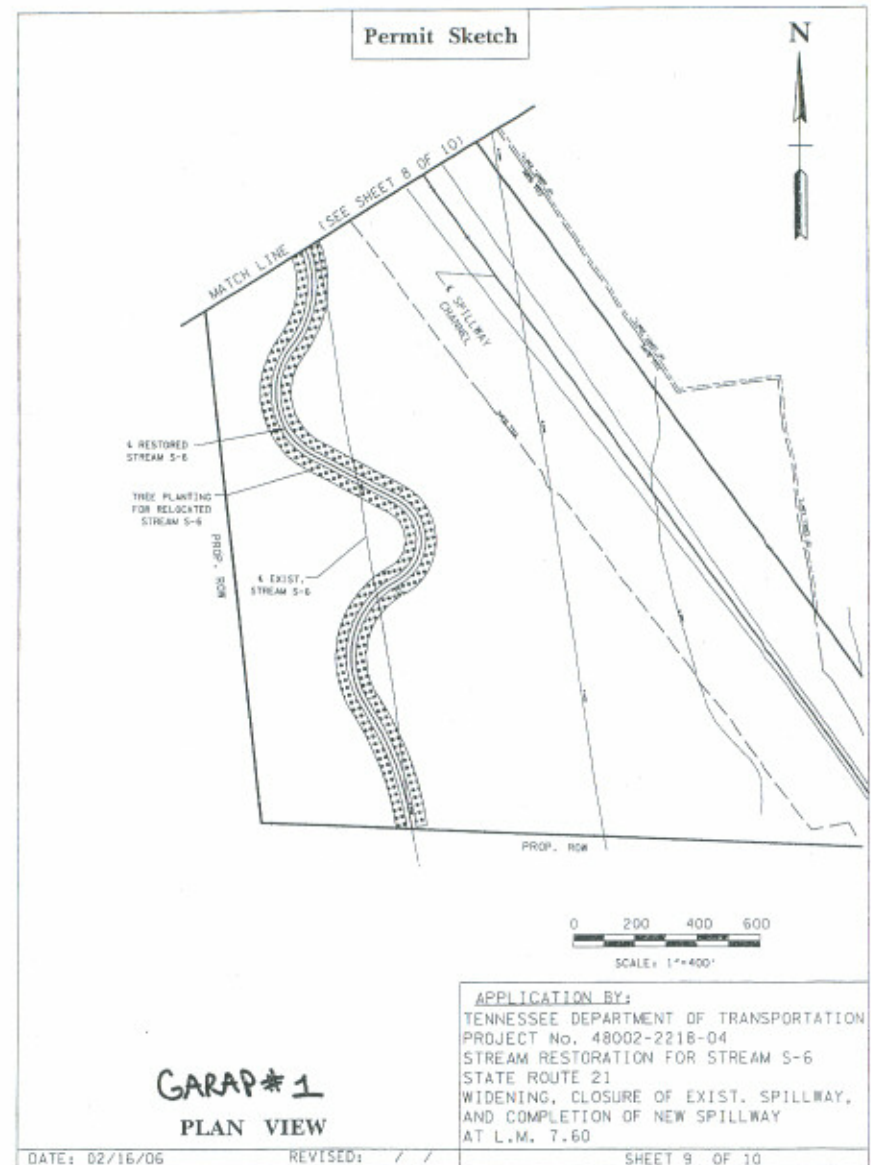
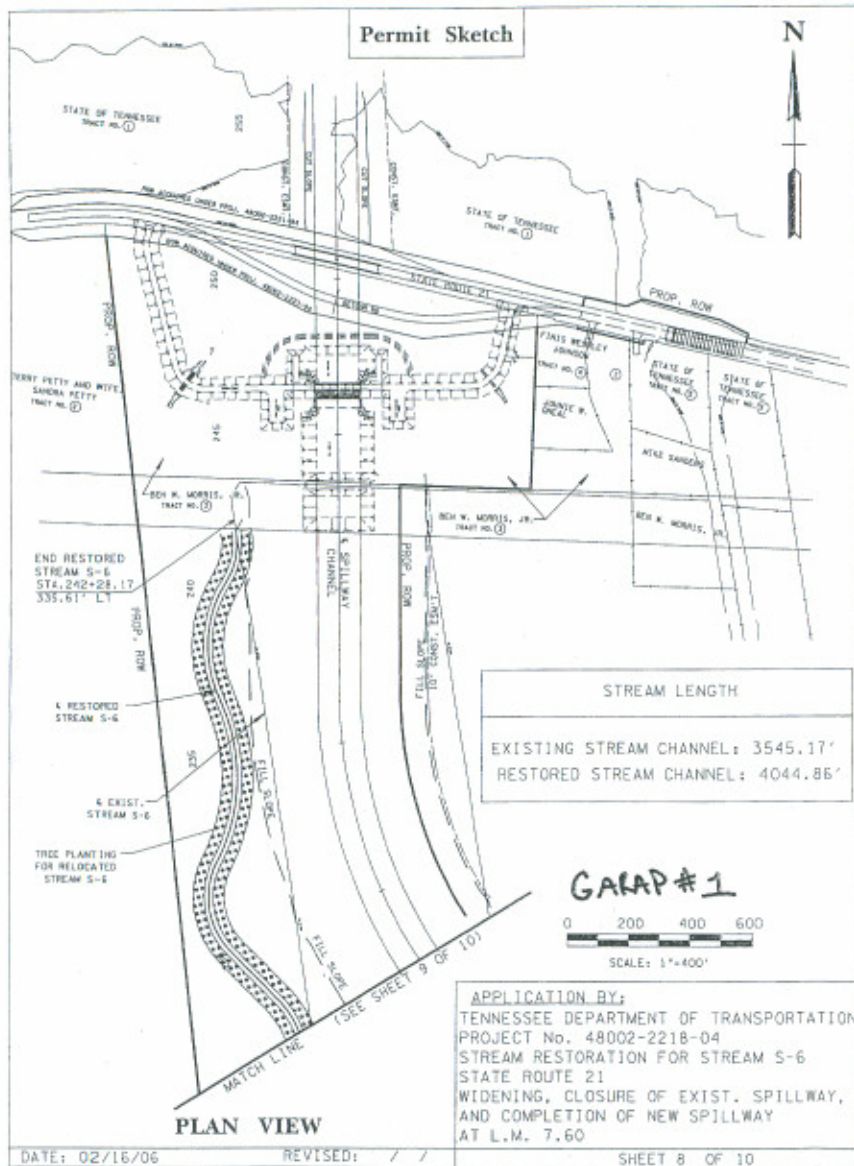
DATE: 02/16/06

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MVM-2004-857-RSA

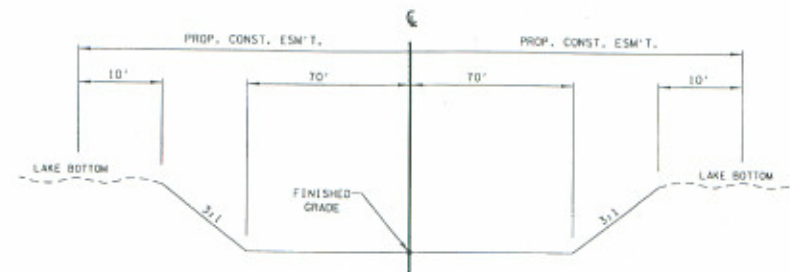
Attachment 8: Project Details
(Site 4)



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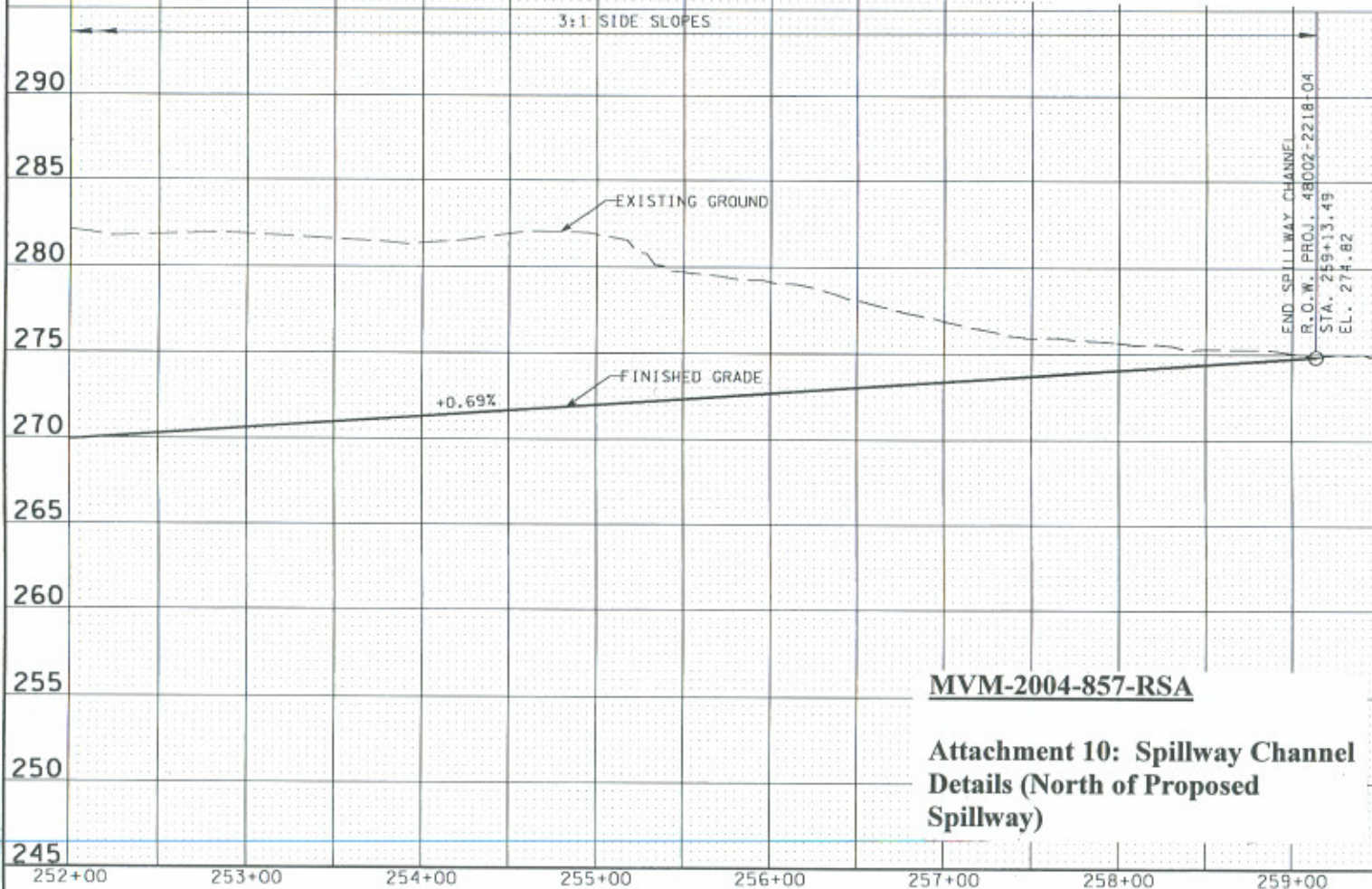
Attachment 9: Mitigation Details

2/16/2006
m:\4662\2 - lake county\Spillway Project\4662-12 ditch-profiles.dgn



SPILLWAY CHANNEL SECTION

STA. 251+35.44 TO STA. 259+13.49



MVM-2004-857-RSA

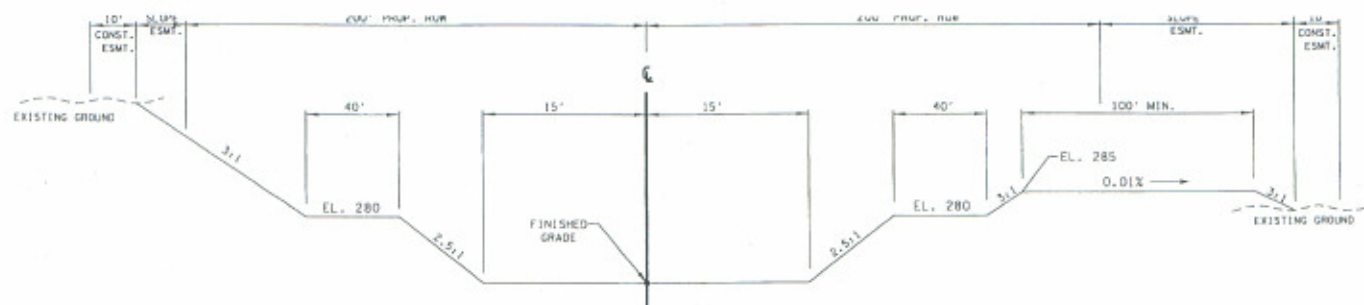
**Attachment 10: Spillway Channel
Details (North of Proposed
Spillway)**

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

**PROFILE
SPILLWAY CHANNEL**

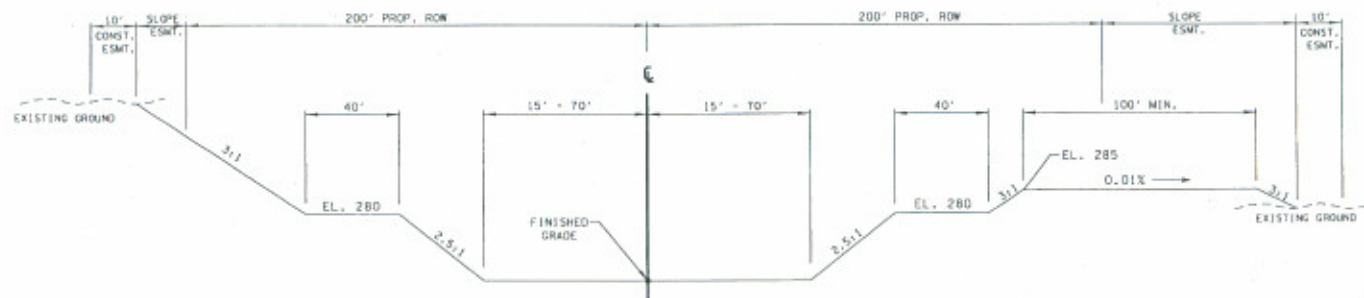
STA. 252+00 TO STA. 260+50

SCALE: 1" = 50' HORIZ.
1" = 5' VERT.



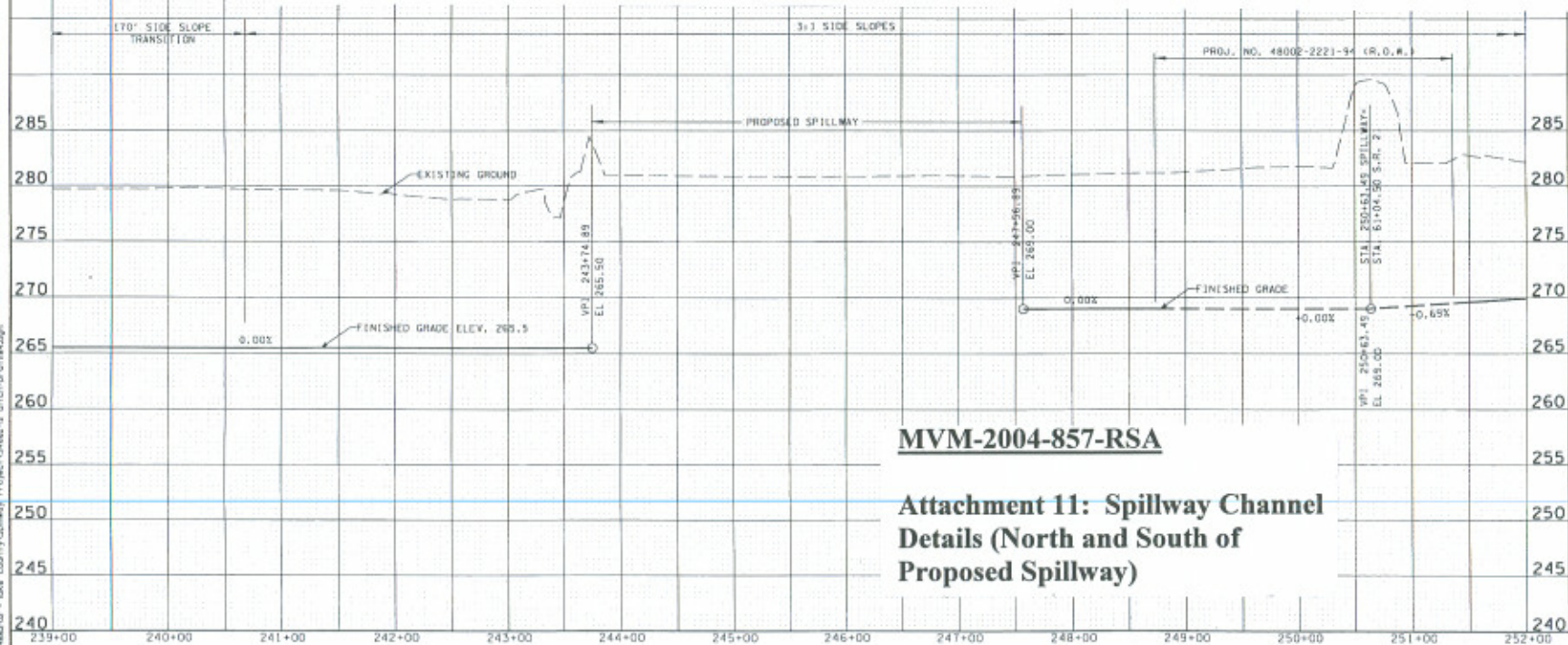
SPILLWAY CHANNEL SECTION

STA. 201+45.45 TO STA. 207+34.29



SPILLWAY CHANNEL SECTION

STA. 207+34.29 TO STA. 221+37.99 LT.
STA. 207+34.29 TO STA. 221+38.29 RT.



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**Attachment 11: Spillway Channel
Details (North and South of
Proposed Spillway)**

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

**PROFILE
SPILLWAY CHANNEL**
STA. 239+00 TO STA. 252+00
SCALE: 1" = 50' HORIZ.
1" = 5' VERT.